

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, a
Pennsylvania corporation,

Plaintiff,

v.

LANDMARK AMERICAN INSURANCE
COMPANY, an Oklahoma corporation, and
DOES 1 through 10,

Defendants.

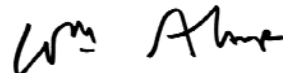
No. C 05-02803 WHA

**ORDER FINDING PLAINTIFF'S
MOTION TO ENFORCE MOOT
AND VACATING HEARING**

Plaintiff National Union moved to enforce this Court's order issued on May 22, 2006, which required defendant Landmark to share the costs of defending Mountain Cascade in certain litigation in state court. In opposition to plaintiff's instant motion, Landmark indicated that it fully intended to pay the amount agreed to by the parties. On reply, National Union agreed that its motion will be mooted upon receipt of Landmark's payment. Assuming that payment is en route, this order deems National Union's motion moot and vacates the hearing on the motion. Should Landmark fail to make payment by September 7, 2006, National Union may further move the Court and also seek appropriate sanctions against Landmark.

IT IS SO ORDERED.

Dated: August 28, 2006.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE